

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES ALLEN JOHNSON,

Defendant.

CR 21-45-BLG-DLC-03

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on September 2, 2022. (Doc. 120.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C.

§ 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Charles Allen Johnson’s guilty plea after he appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure and entered a guilty plea to one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C.

§ 841(a)(1) (Count II), as set forth in the Indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 120) is ADOPTED in full.

IT IS FURTHER ORDERED that Charles Allen Johnson's motion to change plea (Doc. 112) is GRANTED and he is adjudged guilty as charged in Count II of the Indictment.

DATED this 27th day of September, 2022.



Dana L. Christensen, District Judge
United States District Court